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7 Attorney for Defendant **State Farm**
8 **Mutual Automobile Insurance Company**

9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12

13 ALAN SUKIN,

14 Plaintiff,

15 vs.

16 STATE FARM MUTUAL AUTOMOBILE
17 INSURANCE COMPANY, STATE FARM
18 INSURANCE COMPANIES, THE
19 COMMISSIONER OF THE CALIFORNIA
20 DEPARTMENT OF INSURANCE and DOES
21 1-50, inclusive,

22 Defendants.
23

Case No. C07-2829-JCS

**[PROPOSED] ORDER GRANTING
DEFENDANT'S MOTION TO DISMISS**

24 The motion of defendant State Farm Mutual Automobile Insurance Company (also
25 erroneously sued herein as defendant State Farm Insurance Companies and hereinafter
26 referred to as "State Farm") to dismiss plaintiff's complaint pursuant to Rule 12(b)(6) of the
27 Federal Rules of Civil Procedure came on for hearing in Courtroom A of the above-entitled
28 court on July 9, 2007. Robert R. Pohls of Pohls & Associates appeared on behalf of State
Farm. Ray Bourhis appeared on behalf of plaintiff Alan Sukin.

Having reviewed the papers filed in support of and in opposition to the motion, having
considered the oral argument of counsel, and good cause appearing therefor,

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**[PROPOSED] ORDER GRANTING
DEFENDANT'S MOTION TO DISMISS
Case No. C07-2829-JCS**

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendant's motion to
2 dismiss plaintiff's complaint be and hereby is GRANTED and that plaintiff's complaint be and
3 hereby is DISMISSED in its entirety and with prejudice.

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5 DATE: _____

6 _____
7 UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

***Alan Sukin v. State Farm Mutual Automobile Insurance Company, et al.
U.S. District Court, Northern District of California, Case No. C07-2829-JCS***

I, Robert R. Pohls, declare that I am over the age of eighteen years, and not a party to this action or proceeding. My business address is 12657 Alcosta Boulevard, Suite 150, San Ramon, CA 94583. On May 31, 2007, I caused the following document(s) to be served:

**[PROPOSED] ORDER GRANTING
DEFENDANT'S MOTION TO DISMISS**



in the manner as provided by Rule 5(b) of the Federal Rules of Civil Procedure by placing a true copy of the document(s) listed above, enclosed in a sealed envelope, addressed as set forth below, for collection and mailing on the date and at the business address shown above following our ordinary business practices. I am readily familiar with this business' practice for collection and processing of correspondence for mailing with the United States Postal Service. On the same day that a sealed envelope is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid.

Ray Bourhis, Esq.
Lawrence Mann, Esq.
Bourhis & Mann
1050 Battery Street
San Francisco, California 94111

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 31, 2007, at San Francisco, California.

Robert R. Pohls

**[PROPOSED] ORDER GRANTING
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Case No. C07-2829-JCS**